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10/689,359

10/20/2003

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KBI-0015

4537

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EXAMINER

DAVIS, RUTH A

ART UNIT

PAPER NUMBER

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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*Ex parte:* NATARAJAN RANGANATHAN

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Application No. 10/689,359  
Technology Center 1651

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Mailed: January 26, 2009

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Before DELORES LOWE, *Review Team Paralegal*  
LOWE, *Review Team Paralegal*.

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received by the Board of Patent Appeals and Interferences on September 22, 2008. A review of the application revealed that it is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner to address the following matters requiring attention prior to docketing.

**APPEAL BRIEF, CLAIMS APPENDIX**

A review of the Appeal Brief filed March 3, 2008 reveals that claim 1 in the Claims appendix of the Appeal Brief is not in proper format and/or is not consistent as amended in the last entered amendment filed on November 28, 2007. The copy of the claims should be in proper format and should not include any markings such as brackets or underlining except for claims in a reissue application in accordance with 37 CFR 41.37(c)(1)(viii).

Furthermore, the Claims Appendix cannot assume entry of After Final Submissions for which an Advisory Action (or other Office communication) has not advised of entry. *See also Manual of Patent Examining Procedure* (MPEP) § 1205.02 (8<sup>th</sup> ed. Rev. 6, Sept 2007) for details.

Specifically, claim 1, line 7 as provided in the Brief's Claims Appendix, reads: “. . . food or nutritional product, **and** at least one protein ingredient at about . . .”

However, in the last entered Amendment dated November 28, 2007, claim 1, line 8 reads: “~~and~~ at least one protein ingredient at about . . .”

Appropriate correction of all claims provided in the Claims Appendix in proper format is required.

Accordingly, it is

ORDERED that the application is returned to the Examiner to:

- 1) correction of the Claims Appendix of the Brief filed March 3, 2008;
- 2) for such further action as may be appropriate.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

DAL/

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